

**GOVERNMENT OF INDIA
HEALTH AND FAMILY WELFARE
LOK SABHA**

UNSTARRED QUESTION NO:1071

ANSWERED ON:09.03.2005

COMMITTEE ON ORGAN DONATION

Paraste Shri Dalpat Singh;Singh Shri Chandrabhan Bhaiya

Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

- (a) whether any high level committee was set up to submit its report regarding the exploitation of the poor in organ donation ;
- (b) if so , the details regarding its composition and functions along with the time frame to submit its report to the Government ;
- (c) the details regarding its recommendations ; and
- (d) the reaction of the Government thereto?

Answer

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH & FAMILY WELFARE (SMT. PANABAKA LAKSHMI)

(a) A Committee has been constituted by the Hon'ble Delhi High Court (as per the judgement dated 6.9.2004 in W.P. No.813/2004) to review the provisions of the Transplantation of Human Organs Act, 1994 and the Transplantation of Human Organs Rules, 1995.

(b) The composition of the Committee and terms of reference are annexed. The time limit initially set by the Hon'ble Delhi High Court for submission of the report by the said Committee was upto 5.1.2005. The Hon'ble Delhi High Court has since granted extension of time limit upto 30.4.2005 to the Committee to submit its report.

(c) The recommendations of the said Committee are awaited.

(d) Does not arise.

ANNEXURE REFERRED IN REPLY TO PART(B) OF LOK SABHA UNSTARRED QUESTION NO.1071 TO BE ANSWERED ON 9th MARCH, 2005

Composition of the Committee:

The Composition of the Committee is as follows:-

1. Dr. S.Y. Quaraishi, Addl. Secretary & DG, National AIDS Control Organisation
(Nominee of Secretary (Health) and Convenor)
2. Prof. S.N.Mehta, Head of Department, Surgery Department, AIIMS - (Member)
3. Dr. Harsh Johri, Renal Surgeon, Sir Ganga Ram Hospital, Delhi - (Member)
4. Secretary, Indian Medical Association, I.P.Estate, New Delhi - (Member)
5. Sr. Sanjay Jain, Advocate, Chamber No.488, New Chambers Block, Delhi High Court, New Delhi (Member)
6. Dr. V.K.Arora, Addl. DG (Member Secretary)

Terms of reference of the Committee

1. Based on the data available on the transplantation of organs and the working of the Authorisation Committees, the Committee to examine and make its recommendations on the composition of Authorisation committees and changes, if any, required to ensure timely permissions.

2. Whether the jurisdiction of the Authorisation Committees should be enlarged by bringing within its ambit the process of certifying a 'near relative' or the task be assigned to another designated authority?
3. Review the provisions of the Act and Rules based on the experience of transplantation of organs as carried out and the difficulties arising due to the bottlenecks faced in the said process. The Committee to examine in particular provisions of Section 9 and requirement of carrying out the tests prescribed in Rule 4, certification in Form-3 to review the definition of 'near relative' and make its recommendations in the light of the observations made.
4. Examine and specify the organs for transplantation of which the tests prescribed in Rule 4 (1) (c) to establish the factum of being 'near relative' need not be carried out when other evidence is available.
5. Examine the feasibility of establishing and setting up Organ Procurement Organizations with data bank to facilitate the dissemination of information on availability of organs for transplantation to encourage organ donation especially from cadavers, cases of brain stem deaths and other deceased persons, who had authorized removal of organs upon demise.
6. Examine the feasibility of creation of a fund, the corpus to be provided partly come from the Union of India and partly by levying a fixed charge on the total bill of the hospital for transplantation and/or public donations, for providing social incentives to a donor.
7. Examine and recommend ways and means to give such incentives, including but not limited to help and aid any preferred health care, recognition and honour to a donor in the community.
8. Examine the causes that lead to exploitation of poor and unaware persons in the process of organ donation and suggest methods to reduce, control and timely eradicate such malpractices. Recommend programmes for dissemination of correct information ethical, legal and devising procedure concerning organ donation so that a conducive atmosphere is generated and disinformation and misgivings are dispelled.
9. Any other matter relevant to the subject.